

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

NOE RUBIO-FARIAS,

Defendant.

**Case No. 1:21-CR-2009-SAB-1**

**CRIMINAL MINUTES**

**DATE: DECEMBER 8, 2021**

**LOCATION: YAKIMA, WA**

**SENTENCING HEARING**

**Chief Judge Stanley A. Bastian**

Michelle Fox <b>Courtroom Deputy</b>	01 <b>Law Clerk</b>	Marilynn McMartin <b>Court Reporter</b>
Michael Murphy <b>Government Counsel</b>	Gregory Scott <b>Defense Counsel</b>	
<b>United States Probation Officer:</b> Megan Rasmussen		
<b>Interpreter:</b> Natalia Rivera		

☒ **Open Court**

☐ **Chambers**

☐ **Video/Telecon**

Defendant present and in custody of the U.S. Marshal.

Court addresses defendant to confirm he can hear and understand the proceedings with the assistance of the interpreter.

Defendant indicates yes.

Court addresses counsel. Defendant has pled to Count 1. Court summarizes maximum penalties and guidelines. Court has reviewed all of the materials submitted and presentence report.

G. Scott indicates there is a typo but it does not affect anything.

M. Murphy presents argument and outlines recommendations. Mandatory minimum of 60 months.

G. Scott presents argument and outlines recommendations.

**[ X ] ORDER FORTHCOMING**

<b>CONVENED: 10:00 A.M.</b>	<b>ADJOURNED: 10:37 A.M.</b>	<b>TIME: 37 MIN.</b>	<b>CALENDARED [ X ]</b>
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Sentencing Hearing

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Defendant speaks to the Court.

Court speaks to the defendant. Court outlines the 3553 factors. Court will sentence defendant to the mandatory minimum.

Imprisonment: 60 months. Credit for time served.

Supervised Release: 5 years with the standard conditions and the following special conditions:

1. You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.
2. You must submit your person, residence, office, or vehicle and belongings to a search, conducted by a probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You must warn persons with whom you share a residence that the premises may be subject to search.
3. You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.
4. You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
5. You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

SPA: \$100

Fine: Waived

G. Scott asks to recommend Sheridan.  
Court will recommend Sheridan.

G. Scott asks to recommend RDAP program.  
Court will recommend the RDAP program.

Waiver of right to appeal discussed.

M. Murphy moves to dismiss the original Indictment as to this defendant only.  
Court grants motion.